

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

JEFFREY S. RAPP,

Plaintiff,

vs.

HAMPTON MANAGEMENT LLC,

Defendants.

CV 18-16-BU-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Pro se Plaintiff Jeffrey Rapp filed the following motions: (1) “Motion to Compell One Awnser Supplimental Motion for Summary Judgment” (doc. 36); (2) “Motion for Summary Judgment” (doc. 43); and (3) “Motion to Compell Authors of Slander to Participate in Joint Depositions” (doc. 44.) Because they are procedurally and substantively flawed, Plaintiff’s motions are properly denied.

United States Magistrate Judge Jeremiah Lynch issued Findings and Recommendations in this matter on October 16, 2018. (Doc. 48.) Judge Lynch determined that after construing Rapp’s pleadings liberally, and giving him the benefit of any doubt, Rapp had not satisfied the requirements to obtain summary judgment. *Id.* at 4. Judge Lynch reasoned that Rapp had not supported either summary judgment motion with evidentiary materials, citations to the record, or

identify facts on which his motions are premised. *Id.* Accordingly, Judge Lynch recommended Rapp's motions for summary judgment (docs. 36 and 43) be denied. Further, Judge Lynch determined that Rapp failed to meet and confer with defense counsel regarding the subject matter of his motions to compel. *Id.* at 6. Thus, Rapp's motions to compel failed to satisfy the meet and confer requirements of the federal and local rules governing discovery. *Id.* There is also no indication that Rapp issued a proper discovery request. *Id.* For these reasons, Judge Lynch denied Rapp's motions to compel (docs. 36 and 44.)

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 48), are **ADOPTED IN FULL**.

DATED this 29th day of October, 2018.



Brian Morris
United States District Court Judge